

SUPERIOR COURT OF CALIFORNIA

County of San Diego

DATE: December 14, 2006 DEPT. 71 REPORTER A: Peter Stewart CSR# 3184

PRESENT HON. RONALD S. PRAGER REPORTER B: CSR#

JUDGE

CLERK: K. Sandoval

**BAILIFF: REPORTER'S ADDRESS: P.O. BOX 120128
SAN DIEGO, CA 92112-4104**

EX PARTE-DISCOVERY

IN RE: JCCP 4221/4224/4226&4428 – Natural Gas Anti-Trust Cases (Price Indexing)

4221-00020	UYEDA vs CENTERPOINT ENERGY INC
4221-00021	BENSCHIEDT vs AEP ENERGY SERVICES INC
4221-00022	COUNTY OF SANTA CLARA vs SEMPRA ENERGY
4221-00023	CITY AND COUNTY OF SAN FRANCISCO vs SEMPRA ENERGY
4221-00024	COUNTY OF SAN DIEGO vs SEMPRA ENERGY
4221-00025	OLDER vs SEMPRA ENERGY
4221-00026	CITY OF SAN DIEGO vs SEMPRA ENERGY
4221-00027	TAMCO vs DYNEGY INC
4221-00028	A L GILBERT COMPANY vs CORAL ENERGY RESOURCES LP
4221-00029	OBERTI WHOLESALE FOOD INC vs ENCANA ENERGY SERVICES INC
4221-00030	BROWN vs ENCANA ENERGY SERVICES INC
4221-00031	LOIS THE PIE QUEEN vs ENCANA ENERGY SERVICES INC
4221-00032	VITTICE CORPORATION vs ENCANA CORPORATION
4221-00033	COUNTY OF ALAMEDA vs SEMPRA ENERGY
4221-00034	THE REGENTS OF THE UNIVERSITY OF CALIFORNIA vs RELIANT ENERGY SERVICES INC
4221-00035	SCHOOL PROJECT FOR UTILITY RATE REDUCTION vs SEMPRA ENERGY
4221-00036	ASSOCIATION OF BAY AREA GOVERNMENTS vs SEMPRA ENERGY
4221-00037	OWENS-BROCKWAY GLASS CONTAINER INC vs SEMPRA ENERGY
4221-00038	TEAM DESIGN DBA TIMOTHY ENGELN INC vs RELIANT ENERGY INC
4221-00039	CITY OF LOS ANGELES DEPARTMENT OF WATER AND POWER vs RELIANT ENERGY SERVICES INC
4221-00040	SACRAMENTO MUNICIPAL UTILITY DISTRICT vs RELIANT ENERGY SERVICES INC
4221-00041	SHANGHAI 1930 RESTRAURANT PARTNERS LP vs ENCANA ENERGY SERVICES INC
4221-00042	PODESTA vs ENCANA ENERGY SERVICES INC

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4221-00044 COUNTY OF SAN MATEO vs SEMPRA ENERGY
4221-00045 BUSTAMANTE vs WILLIAMS ENERGY SERVICES
4221-00046 PABCO BUILDING PRODUCTS vs DYNEGY INC
4221-00047 BOARD OF TRUSTEES OF THE CALIFORNIA STATE UNIVERSITY vs DYNEGY INC
4221-00043 NURSERYMAN'S EXCHANGE OF HALF MOON BAY vs SEMPRA ENERGY

10:00 a.m. This being the time previously set for discovery regarding production of documents in the above entitled cause Court convenes with counsel as noted on exhibit "A" which is attached hereto and incorporated herein as though set forth in full. Seated at counsel table are:

Nancy Fineman of Cotchett, Pitre, Simon & McCarthy
Scott J. Yundt of Murray & Howard
Bennett Young of Leboeuf, Lamb, Green & McCrae
Joshua D. Lichtman of Fulbright & Jaworski
Barry Himmelstein of Lief, Cabraser, Heimann & Bernstein

Court and counsel discuss McKesson issue, whether documents that the Defendants have given to the government either through subpoena or voluntarily has ever been presented to the Court.

In regard to the trader tapes, none will be played in court without notice to the Defendants in the future.

All parties are reminded to notify all parties of upcoming actions both Class and Non-Class members as there are different representatives for these actions.

Defense counsel to meet and agree on issues, then to present a representative issue (result to govern others).
Plaintiffs are to identify what discovery has been produced to third parties and inform Defense counsel.

Ms. Fineman to prepare an order that states by what date the Plaintiff is going to particularize which of these documents were turned over to third parties, outer scope. Counsel to state which privilege is claimed, attorney client, or attorney work product. Defendants to reference what document refers to what request on the privilege logs that were turned over to third parties. Some Defendants may raise a time line issue. They are to either produce the documents or object to the request. By December 22, 2006 any Defendant who is going to argue timeliness will notify the Plaintiffs. If there is need for further clarification counsel to advise by January 5th.

Court will review the issue on January 8, 2007 at 1:30 p.m., at that time parties to bring in grids that reflect issues of Defendants with a key reflecting how many parties are in conflict. Defendants to try to agree on a universe of how many different generic categories of compulsion or lack of compulsion there are and then try to each self identify which categories it fits into as for each item. Counsel to also try to identify somebody who is going to the representative party that is going to argue that issue if possible.

Attorney Fineman is to prepare the order, Defendants to approve as to form.

11:30 a.m. Court is adjourned.